

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ELOISA J. CARRILLO,

Plaintiff,

v.

No. CIV-09-0358 LAM

**MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,**

Defendant.

**ORDER GRANTING IN PART AND DENYING IN PART SECOND
MOTION FOR EXTENSION OF TIME**

THIS MATTER is before the Court on Plaintiff's *Unopposed Motion for Extension of Time* (Doc. 16), filed November 19, 2009. Plaintiff asks for a second extension of the briefing deadlines in this case because she is in the process of obtaining new counsel. The Court held a telephonic hearing on November 24, 2009, in which counsel for the parties, as well as Plaintiff Eloisa Carillo, attended. During the hearing, the Court, counsel for the parties, and Plaintiff discussed this motion and the motion to withdraw filed by Plaintiff's current attorney. The Court explained that it has an obligation to ensure that cases are brought to completion within specific time frames contained in the District's Civil Justice Expense and Delay Reduction Plan. Because of that obligation, the Court stressed to Plaintiff that she must make diligent efforts to obtain new counsel **by December 11, 2009** in order for the new counsel to have adequate time to prepare a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law. Having considered the parties' submissions, the parties' statements at the November 24, 2009

hearing, and the record of the case, the Court **FINDS** that Plaintiff's *Unopposed Motion for Extension of Time* (Doc. 16) should be granted in part and denied in part.

IT IS THEREFORE ORDERED THAT Plaintiff's *Unopposed Motion for Extension of Time* (Doc. 16) is **GRANTED IN PART and DENIED IN PART** as follows:

1. **On or before December 11, 2009, either Plaintiff's new counsel shall enter an appearance in this case or Plaintiff shall notify the Court of her intention to proceed pro se;**
2. **On or before January 15, 2010,** Plaintiff shall file and serve, in accordance with D.N.M.LR-Civ. 7.3, a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law;
3. **On or before February 16, 2010,** Defendant shall file and serve, in accordance with D.N.M.LR-Civ. 7.3, its response; and
4. **On or before March 2, 2010,** Plaintiff may file and serve, in accordance with D.N.M.LR-Civ. 7.3, a reply.

The Court cautions Plaintiff that if she fails to file a Motion to Reverse and Remand Administrative Agency Decision with a supporting memorandum of law by January 15, 2010, *this case may be dismissed for want of prosecution in accordance with D. N.M. LR-Civ. 41.1.*

IT IS FURTHER ORDERED that all supporting memoranda filed by the parties pursuant to this order shall cite the transcript or record when making assertions of fact, and that propositions of law shall be supported by citations of authority.

IT IS FURTHER ORDERED that **all requests for extensions of time altering the deadlines set in this order shall be made by written motion filed with the Court pursuant to Rule 7 of the Federal Rules of Civil Procedure and D.N.M.LR-Civ. 7.** If the parties agree to seek an extension of time, they shall submit an agreed-upon proposed order to the Court for approval and

shall make the submission in compliance with the requirements posted on the undersigned's website at <http://www.nmcourt.fed.us>. The Court cautions the parties that it will require a showing of *exceptional circumstances* to grant any further extensions of time. "Exceptional circumstances" will *not* be shown if Plaintiff is unable to obtain new counsel.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent